

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35125

STATE OF IDAHO,)	2009 Unpublished Opinion No. 618
)	
Plaintiff-Respondent,)	Filed: September 21, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
JUAN MANUEL RODRIGUEZ,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Cheri C. Copsey, District Judge.

Judgment of conviction and unified sentence of thirty years, with five years determinate, for possession of a controlled substance with intent to deliver, with a persistent violator enhancement, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Elizabeth A. Koeckeritz, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge, PERRY, Judge
and GUTIERREZ, Judge

PER CURIAM

Juan Manuel Rodriguez was charged with possession of a controlled substance, methamphetamine, with intent to deliver, Idaho Code Section 37-2732(a), with concealing a dangerous weapon, I.C. § 18-3302(7), and with being a persistent violator, I.C. § 19-2514. Rodriguez pled guilty to misdemeanor concealing a dangerous weapon and proceeded to trial on the other charges. A jury found Rodriguez guilty of the possession with intent to deliver charge and also found him to be a persistent violator. The district court sentenced Rodriguez to a unified term of thirty years, with five years determinate, and to a concurrent term of six months for the misdemeanor. The district court also ordered Rodriguez to pay \$5,535 in prosecution

costs. Rodriguez appeals from his judgment of conviction and sentence and from the imposition of prosecution costs, contending that the district court abused its discretion by imposing an excessive sentence and by imposing prosecution costs.

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Idaho Code Section 37-2732(k) also authorizes the district court to order a person convicted of certain crimes to pay restitution to law enforcement agencies for costs incurred in investigating the crimes, without regard to the defendant's financial situation.

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing the sentence and restitution. Accordingly, Rodriguez's judgment of conviction and sentence are affirmed.